

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Haralambos Gikas

v.

Civil No. 11-cv-00573-JL

JPMorgan Chase Bank, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **April 2, 2012.**

The Discovery Plan (document no. 13) is approved as submitted, with the following changes:

- Expert challenge - **60 days prior to final pretrial conference**
- Summary judgment deadline - **120 days prior to final pretrial conference**
- Jury trial - **April, 2013**

Based on the discussions between the court and counsel at the conference:

- the plaintiff's will file an Amended Complaint within 30 days of this order. The breach of contract claim (current Count 1) will be limited to the HAMP Trial Period Plan-based claim. The complaint will contain facts sufficient to support the wrongful foreclosure claim (current Count 8) or will not include that count. The complaint will not include counts for "willful oppressive conduct" or "Fannie Mae" violations.

- the defendant's Answer will clearly indicate its position with respect to all allegations, and no declination to answer "legal conclusions" or claims that anything "speaks for itself."

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: April 3, 2012

cc: Shenanne Ruth Tucker, Esq.
Joseph Patrick Kennedy, Esq.